

**REMARKS**

Claims 51-65 are pending in the current application. Claims 51-65 currently stand rejected, and claims 51-54, 57, 60, and 63 have been amended. Reconsideration and allowance of claims 51-65 are respectfully requested in light of the preceding amendments and following remarks.

**Claim Amendments**

Claims 51, 54, 57, 60, and 63 have been amended to recite that padding data is recorded between thumbnail pictures, "based on the information indicating an actual data size of each thumbnail picture." Applicants wish to point out that the original specification shows, in FIG. 8, a starting address and an ending address for each thumbnail picture, which indicates an actual size of the thumbnail picture. The specification further discloses example embodiments where null data may be inserted between two pictures - i.e., between the ending address and starting address of two adjacent thumbnail pictures. As such, the same data that indicates the size of thumbnail pictures further determines where the null pack is placed. By at least these example embodiments, recording padding data between thumbnail pictures "based on the information indicating an actual data size of each thumbnail picture" finds written description in the original specification and figures.

Claim Rejections – 35 U.S.C. § 101

Claims 51-53 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter, including signals. Applicants respectfully submit that claims 51-53 have been amended to recite “an optical disc,” which does not include bare signals. Because claims 51-53 affirmatively recite structures within the definition of § 101, these claims are statutory. Withdrawal of the rejections to claims 51-53 under 35 U.S.C. § 101 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 51-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat 6,483,983 to Takahashi et al. (“Takahashi”) in view of US Pat 6,009,234 to Taira et al. (“Taira”), US Pat Pub 2003/0133699 to Ando et al. (“Ando”) and US Pat Pub 2001/0028789 to Uchide (“Uchide”). Applicants respectfully traverse these rejections for the reasons detailed below.

With regard to claims 51, 54, 57, 60, and 63, the Examiner applies Ando to teach “information indicating an actual data size of each thumbnail picture” with addresses of first and last TS Packs including an I-Picture so as to indicate the size of the I-Picture. Applicants respectfully submit that an actual data size of each thumbnail picture is not indicated by the C\_PBI contents of FIG.8 of Ando, because the addresses indicated by the C\_PBI contents are not the physical start and end addresses of the I-pictures, from which I-Picture size could be determined. Rather, the REFPIC\_SA and REFPIC\_EA are physical addresses of TS packs that include, among other things, an I-Picture. See

Ando, FIG. 8, caption. The actual I-Picture start/end addresses are determined from maps AUSM and AUEM that reference the I-Picture address in separate payload information of a TS Pack. See Ando, FIG. 1, elements 42, (c); ¶¶ [0024], [0142]-[0143], [0324], [0383]-[0396]. Where Ando shows “start address of I-Picture” under “contents” in FIG. 8, it is thus understood that the start/end address are contents of the AUSM/AUEM in the TS, not actual physical addresses stored in the C\_PBI that could indicate I-Picture size. The difference between REFPIC\_SA\_#N and REFPIC\_EA\_#N could be huge if the TS Packs are loaded with other payload data, but the I-picture stored in the corresponding TS Pack mapped by the AUSM and AUEM may be a very small, or vice versa. Thus, Ando’s disclosure of beginning and ending TS packs does not indicate I-Picture size as required by claims 51, 54, 57, 60, and 63.

With further regard to claims 51, 54, 57, 60, and 63, Applicants note that these claims have been amended to recite “padding data is recorded **between thumbnail pictures.**” The Examiner applies Uchide to teach the recited “padding data” by insertion of stuffing data when a buffer memory of a data writer runs out of data. The Examiner reasons that such insertion from Uchide would compensate for differences between encoding and recording rates.

Applicants respectfully submit that Uchide requires a constant writing process only because the data transmitted to a data line or written to the recording medium is continuously read back out at the same rate. See Uchide, ¶¶ [0025]-[0027], [0041], [0055]-[0056], [0091]. None of Ando, Taira, or

Takahashi require reproduction from the disc to occur at the same rate that data was written to the disc. Instead, recording on a disc in Ando, Taira, or Takahashi, to form the data structures disclosed therein, would simply stop once a buffer ran out of data, without inserting stuffing data wherever the data ran out. Inserting padding data whenever a buffer emptied would result in padding data in any place, including **in the middle of thumbnail picture data or not between thumbnail pictures**. Such random padding data placement would ruin the strict data structure size limits of Ando and, moreover, not necessarily meet the “padding data is recorded **between thumbnail pictures**.” See Ando, FIG. 1 (set sizes for each structure, with stuffing byte only at end to meet size requirement). As such, Applicants further submit that there is no rationale to import the continuous writing process of Uchide into the data structures of Ando, Taira, or Takahashi, nor does this importation meet claims as amended.

Because Takahashi, alone or in combination with any of Ando, Taira, and Uchide, fails to teach or suggest each and every element of claims 51, 54, 57, 60, and 63 and because these references may not anyway be modified with Uchide, these references cannot anticipate or render obvious claims 51, 54, 57, 60, and 63. Claims 52, 53, 55, 56, 58, 59, 61, 62, 64, and 65 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 51-65 under 35 U.S.C. § 103(a) is respectfully requested.

Examiner Interview Requested

Applicants thank the Examiner for his past willingness to discuss the current application. Applicants further respectfully request an interview with the Examiner in order to discuss the above arguments and/or alternate claim language necessary to place the application in condition for allowance. This interview may also address subject matter in related application 10/878,382, rejected in the same manner. Applicants respectfully request the Examiner contact Applicants' representative, Ryan Alley, at 703.668.8046 or [ralley@hdp.com](mailto:ralley@hdp.com) in order to schedule such an interview and obtain an agenda for the same, before issuing a further Office Action.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 51-65 in connection with the present application is earnestly solicited.

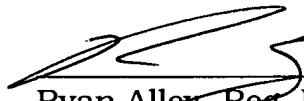
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ryan Alley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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